

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RAY MCARTHUR FREENEY,

Petitioner,

VS.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal  
Justice, Institutional Division,

Respondent

Cause No.

DEATH PENALTY CASE

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ORDER APPOINTING COUNSEL

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Donald Vernay has filed a motion to have Donald Vernay and Michael Charlton appointed as co-counsel for the Petitioner in his proceeding seeking Federal Habeas Corpus Relief. Under 18 U.S.C. § 3599(a)(2) “any [capital habeas petitioner] who is or becomes financially unable to obtain adequate representation . . . shall be entitled to the appointment of one or more attorneys.” This appointment is conditional upon the Petitioner filing an *in forma pauperis* application indicating his indigence and therefore his entitlement to appointment of counsel.

The Court conditionally finds that federal law entitles Mr. Freney to the appointment of federal habeas counsel. The Court conditionally authorizes Mr. Freney to proceed in federal court without the prepayment of fees. The Court appoints Donald Vernay and Michael B. Charlton to represent Mr. Freney throughout his federal habeas proceedings.

Counsel will be compensated at the rate of \$178.00 per hour pursuant to 18 U.S.C. § 3599(g)(1) and may submit interim payment requests for their work performed under this appointment.

Mr. Freeney can fulfill the conditions of this appointment by filing a motion to proceed *in forma pauperis* with an accompanying showing of indigence within thirty (30) days of this Order.

Entered this <sup>th</sup> 18 day of February 2014.

  
United States District Judge